

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, FAX NO. (703) 872-9302 ON 15 October 2003.

NAME OF PERSON SIGNING CERTIFICATE: Scott J. Anchell

SIGNATURE: Scott J. Anchell

Attorney Docket No.: 057733-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Todd H. YOUNG

Application No.: 10/081,781

Filed: 20 February 2002

For: GUARD FOR PROTECTING
PAINTER'S THUMB

Confirmation No.: 2719

Group Art Unit: 3765

Examiner: Moran, K.

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AMENDMENT UNDER 37 C.F.R. § 1.111 TRANSMITTAL FORM

Sir:

1. Transmitted herewith is an Amendment in response to the Office Action dated 15 July 2003 (Paper No. 6).
2. Additional papers enclosed:

- ☐ Terminal Disclaimer
- ☐ Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application
- ☐ Drawings: ☐ Formal ☐ Informal
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 420.00 | \$ 210.00 |
| <input type="checkbox"/> three months | \$ 950.00 | \$ 475.00 |
| <input type="checkbox"/> four months | \$ 1,480.00 | \$ 740.00 |

Extension of time fee due with this request: \$0.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 16 | minus | 20 | 0 | x \$18 each = | + \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 5 | minus | 5 | 0 | x \$84 each = | + \$0.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$280.00 | + \$0.00 |
| SUB-TOTAL = | | | | | | \$0.00 |
| Reduction by ½ for filing by a small entity | | | | | | - \$0.00 |
| TOTAL FEE = | | | | | | \$0.00 |

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge Deposit Account No. 50-3010 in the amount of \$0.00.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: 15 October 2003

By: Scott J. Anchell
 Scott J. Anchell
 Reg. No. 35,035

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AMENDMENT AND REQUEST FOR
RECONSIDERATION UNDER 37 C.F.R. § 1.111

Sir:

The Office Action issued 15 July 2003 (Paper No. 6) has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Please reconsider the application in view of the following amendments and the remarks hereinafter.

The period for replying to the Office Action extends through 15 October 2003.